UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

LORI ZARLENGA BLAQUIERE

v. **C.A. NO. 06-534 ML**

EDWARD A. CHARBONEAU, et al.

MOTION TO DISMISS OR IN THE ALTERNATIVE, MOTION FOR A MORE DEFINITE STATEMENT

Now come Defendants, Attorney General Patrick C. Lynch, Governor Donald Carcieri, Trooper Arthur Kershaw, Assistant Attorney General Alan Goulart, Assistant Attorney General Stacy Veroni, and Speaker William Murphy and move pursuant to Federal Rules of Civil Procedure 12(b)(6) and 12(d) to dismiss the Plaintiff's Complaint or in the alternative for a more definite statement since the Complaint violates Rules 8(a)(2) and Rule 8(e)(1) and 10(b).

Alternatively, these Defendants request this Court require Plaintiff to file a more definite statement as required under the rules in order for these Defendants to file a responsive pleading pursuant to Rule 12(e). These Defendants submit the accompanying Memorandum of Law in support of this Motion.

Respectfully submitted,

Attorney General Patrick C. Lynch,
Governor Donald Carcieri, Trooper Arthur Kershaw,
Assistant Attorney General Alan Goulart, Assistant
Attorney General Stacy Veroni, and Speaker William
Murphy

By Their Attorneys,

/s/ Rebecca Tedford Partington
/s/ Genevieve Allaire-Johsnon
____

Rebecca Tedford Partington, #3890
Assistant Attorney General
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CERTIFICATION

I hereby certify that I filed the attached with the United States District Court ECF system and caused a copy to be sent to marc@desistolaw.com on this 23rd day of March, 2007 and that I mailed a true copy of the foregoing by first class mail, postage prepaid to Lori Zarlenga Blaquiere, 101 Border Street, West Warwick, RI 02893.

/s/ *Rebecca Tedford Partington*

Rebecca Tedford Partington, #3890

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MEMORANDUM OF LAW IN SUPPORT OF MOTION TO DISMISS OR IN THE ALTERNATIVE FOR A MORE DEFINITE STATEMENT

I. INTRODUCTION

Plaintiff has filed a complaint against numerous parties including 22 private individuals, public officials, members of law enforcement, state agencies and six corporations. The following Defendants seek to have the Complaint dismissed as to them: "Rhode Island Attorney General Patrick C. Lynch, individually and in his capacity as Attorney General for the States of Rhode Island", "Alan Goulart individually and in his capacity as Assistant Attorney General criminal Division Chief for the State of Rhode Island Department of Attorney General", "Stacey Veroni, individually and in her as [sic] capacity Assistant Attorney General Deputy Chief for the State of Rhode Island Department of Attorney General", "Donald L. Carcieri, individually and in his capacity as Governor of the State of Rhode Island, et al", "William Murphy individually and in his capacity as Speaker of the House for the Governor of the State of Rhode Island", and "Arthur Kershaw, individually and in his capacity as Corporal for the Rhode Island State Police". (Hereinafter referred to as the "State Defendants".)

Pages one through four of Plaintiff's 78 page Complaint is titled "Statement of Jurisdiction and Venue" and each paragraph, numbered 1 through 30, names an individual or corporation, including the State Defendants. The unnumbered paragraphs on page five appear to set forth this Court's jurisdiction to hear the Plaintiff's Complaint. The second titled section of Plaintiff's Complaint is "Statement of Claims with Requests for Relief" on pages 6 through 9 and set forth numbered Counts 1 through 27 which contain specific allegations against the various named and unnamed Defendants. The remainder of the Complaint, pages 10 through 78, consist of an unnumbered jumble of paragraphs attempting to allege contacts between the Plaintiff and various Defendants sufficient to involve the subject matter and personal jurisdiction of this Court.

II. ARGUMENT

A. PLAINTIFF'S CLAIMS AGAINST THESE DEFENDANTS FAIL TO STATE A CAUSE OF ACTION FOR WHICH RELIEF CAN BE GRANTED.

As an initial matter, Plaintiff's Complaint should be dismissed as against the State Defendants because they are not specifically named in any of the 27 Counts and none of the Counts state a federally cognizable cause of action. The only possible Counts wherein Plaintiff arguably might refer to these Defendants might be suggested in Counts 1 and 22, which refers generally to all Defendants:

Count 1: Plaintiff states claim that State and Federal law enforcement agents, agencies, officers and Public Officials named and unnamed Defendants, among others are engaged in an ongoing criminal conspiracy to murder Plaintiff Lori Zarlenga Blaquire in connection with Showa Denko K.K.

Count 22: Plaintiff seeks restraining order on all Federal and State law enforcement agents and agencies, and Officers named and unnamed in Plaintiff's complaint herein, since Plaintiff's life is in immediate danger from law enforcement, among others who are engaged in a criminal conspiracy to murder Plaintiff and Plaintiff will suffer irreparable harm.

Second, none of the Plaintiff's allegations set forth in the unnumbered paragraphs state a federally recognizable cause of action, and therefore Plaintiff's Complaint must be dismissed. Some of these nearly incomprehensible allegations describe various contacts and conversations between the Plaintiff and the State Defendants. However, a review of those paragraphs shows that none of the unnumbered paragraphs in Plaintiff's Complaint state a cause of action. These Defendants will address each of the paragraphs as they relate to these six Defendants:

As to Attorney General Patrick C. Lynch, the Complaint is completely void of any specific allegations against him. His name simply does not appear, therefore, the Complaint should be dismissed as to him.

Likewise, Plaintiff fails to allege any cause of action against Alan Goulart, Chief of the Criminal Division in the Department of Attorney General. In fact, Plaintiff's cause of action against him is based on a single telephone conversation. She alleges on Page 48 of her Complaint:

> Plaintiff states that approximately the week of February 6, 2006, was the first and only time that Plaintiff spoke to Alan Goulart, Assistant Attorney General, Division Chief.
>
> Plaintiff states that Alan Goulart stated to Plaintiff that he could not investigate the matter and suggested Plaintiff contact the Rhode Island State Police.

Plaintiff further fails to state a cause of action against Stacey Veroni, Deputy Assistant Attorney General. In fact, Plaintiff alleges that she had only one conversation with Ms. Veroni during which Ms. Veroni made statements to "cover up" a conspiracy to murder Plaintiff. The allegations against Veroni can be boiled down to a rambling description of telephone conversations where Plaintiff feels miffed at Veroni's interruptions. (See Complaint, beginning on page 57). There is no constitutionally protected right to a telephone conversation with a State official. The Complaint should therefore be dismissed as to both Goulart and Veroni.

Plaintiff generally refers to the "Department of Attorney General" in two paragraphs located on page 47 of her Complaint. However these paragraphs merely allege a "criminal conspiracy" without providing specific allegations as to what actions the Department engaged in that constituted the conspiracy. Since the Department is not a "person" within the meaning of 42 U.S.C. § 1983 it must be dismissed.

Further, although the Attorney General's Department does not process applications to "purchase" handguns, on page 55 of her Complaint, Plaintiff generally alleges a pattern of false statements for Plaintiff's application to purchase a handgun and fails to allege any constitutional violation.

As to claims against Governor Donald Carcieri and Speaker of the House William Murphy the Plaintiff expresses unhappiness with a failed meeting with the Governor and Murphy's failure to send her a letter as promised. (Complaint, page 44). Neither of these general statements of discontent could possibly form the basis of a federally recognized cause of action.

As to Defendant Corporal Arthur Kershaw, Plaintiff's allegation appears to be that Corporal Kershaw refused to accept Plaintiff's Complaint over the telephone and requested that Plaintiff appear in person at the State Police Barracks. (See Complaint, beginning on Page 48). Again, this does not even come close to alleging a federal cause of action.

B. PLAINTIFF HAS VIOLATED RULE 8(A)(2) (3).

The Federal Rules of Civil Procedure require that Plaintiff file a short and plain statement showing the pleader is entitled to relief and a demand for judgment for the relief the pleader seeks. Plaintiff's vague and lengthy 78 page complaint fails to comply with either of these requirements. Further, Rule 10(b) requires that all paragraphs are numbered. In violation of the rule, the paragraphs in Plaintiff's Complaint are not numbered and make it impossible for the State Defendants to answer the Complaint under the rules. As a result, Plaintiff's Complaint should be dismissed.

C. ALTERNATIVELY, THIS COURT SHOULD REQUIRE PLAINTIFF TO FILE A MORE DEFINITE STATEMENT

Pursuant to Rule 12(c) this Court should require the Plaintiff to file a more definite statement. The rule provides that where a pleading is so vague or ambiguous that a party cannot respond a party may move for a more definite statement. As previously presented, the Plaintiff's complaint is so vague as to each of these Defendants, the actions of these Defendants, and that the Plaintiff should be required to file a complaint in conformance with the Federal Rules of Civil Procedure.

III. CONCLUSION

For the following reasons, the State Defendants respectfully request that the Plaintiff's Complaint be dismissed, or, in the alternative, that Plaintiff be ordered to file and amended complaint in compliance with the Federal Rules of Civil Procedure.

Respectfully submitted,

Attorney General Patrick C. Lynch, Governor Donald Carcieri, Trooper Arthur Kershaw, Assistant Attorney General Alan Goulart, Assistant Attorney General Stacy Veroni, and Speaker William Murphy

By Their Attorneys,

/s/ Rebecca Tedford Partington
/s/ Genevieve Allaire-Johsnon

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